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REMARKS/ARGUMENTS

In the Official Office Action of March 13, 2008, the Patent Office has rejected claims 1 and 4 under 35 U.S.C. 102(a) as being anticipated by Wada et al., WO 03/009314A1. Claims 1 and 4 were also rejected under 35 U.S.C. 102(e) as being anticipated by Wada U.S. Patent 6,826,915.

With regard to independent claim 1, the Patent Office alleges that Wada discloses a composite material including a high-thermal conductor (14) and a room-temperature magnetic refrigerant material (16), wherein the room-temperature magnetic refrigerant material (16) is nested with the high thermal conductor (14) to obtain the composite material as set forth in FIG. 9. Considering the Wada PCT publication which is the same as US Patent 6,826,915, FIG. 9 thereof discloses a container (12) having a plurality of magnetic refrigerant material layer (16) stored within the container and meshes (14) which is provided between one of the magnetic refrigerant material layer (16) and the container, or between adjacent magnetic refrigerant material layer (16), see Page 35. The magnetic refrigerant material layers (16) are comprised of total 14 layers of magnetic refrigerant material (in the form of powders) with each layer of the magnetic refrigerant material having a different Curie temperature from another layer. The thickness of each refrigerant material layer is about 5 mm, see Page 36. No where within the specification is it stated that meshes (14) are a high-thermal conductor. In fact, meshes (14) serve as partitions for preventing the powder particles of each layer from moving along with the heat transferred fluid, (see Page 20) and thus inherently would cause a lower efficiency of the magnetic refrigerant. In fact, lines 10-13 of Page 21 of the reference state that the mesh material are preferably made of an insulator! In summary, the Wada reference does not teach a high-thermal conductor as set forth in Claims 1 and 4, but rather teaches away therefrom in claiming an insulator as thus is not in accordance with the recent KSR case. It is thus respectfully submitted that neither Wada reference is pertinent inasmuch as the '915 patent in Col. 7, lines 47-50 also state that the meshes are an insulator!

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Another distinction of the present invention is that the magnetic refrigerant material as well as the high-thermal-conductor is less than 1 mm in size. Thus, the heat generated by the magnetic refrigerant material can be transferred through the high-thermal conductor. In contrast, the thickness of each layer of the of the magnetic refrigerant material shown in FIG. 9 of both references is 5 mm. Thus, the heat generated by the magnetic refrigerant material of the reference cannot be transferred through a high-thermal conductor mesh. Once again the references teach away from the present invention. Based upon this additional difference, it is respectfully submitted that claims 1 and 4 are allowable.

In the Official Office Action of March 13, 2008 it has been acknowledged that claims 2, 3, and 5-12 would be allowable if dependent from an allowable claim.

Attention of the Patent Office is directed to the drawings as to whether or not they are acceptable.

Respectfully submitted,

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